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*Attorneys for Named Plaintiffs and the FLSA  
Collective Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**ISAIAH GERAFINO, LENFORD  
JOHNSTON, SARA FAUST, SUKOL  
PHAIROJ, CHELSEA LINDMAN,  
VIRGINIA WORLEY, ROSALINA  
WALTER and THOMAS CAMPBELL on  
behalf of themselves and all others similarly  
situated,**

**INDEX NO: 07-cv-06729 (RJS)**

**Plaintiffs,**

**v.**

**JEAN-GEORGES ENTERPRISES, LLC;  
JEAN-GEORGES MANAGEMENT LLC;  
PERRY STREET PROJECT LLC;  
TRIOMPHE RESTAURANT CORP. d/b/a  
JEAN GEORGES RESTAURANT and  
NOUGATINE; ORIGINE LLC d/b/a JOJO  
RESTAURANT; JOJO LLC; LEONARD  
STREET LLC d/b/a/ 66 RESTAURANT;  
JEAN-GEORGES VONGERICHTEN and  
JOHN DOES 1-10**

**Defendants.**

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**X**

**DECLARATION OF ROSALINA WALTER**

I, Rosalina Walter, under penalty of perjury, affirm as follows:

1. I was employed by Defendants as a server at JoJo restaurant ("JoJo") within the last three years.

2. Throughout my employment at JoJo, I was paid less than the federal minimum wage of \$5.15 per hour.

3. When I began working at JoJo, I was informed by managers and coworkers that the restaurant required tipped employees to pool their tips.

4. I was never asked whether I wanted to be in the tip-pool, and the terms of the tip pool were maintained and enforced by the restaurant's management, not the servers or similarly tipped employees.

5. Throughout my employment at JoJo, JoJo required us to share our tips with managers, by allowing the managers to be part of the tip-pool.

6. Although JoJo's managers participated in the tip-pool under the title "maitre d'" and/or other titles, their job duties illustrate that they were in fact managers, and not employees who are traditionally tipped. To this effect, the managers all had full access to the management office.

7. The managers that were illegally part of the JoJo tip-pool include but are not limited to, Matt Westfall, Trisha Hitco, and Jennifer Koenig.

8. These managers' primary job duties include: (a) supervising all activity on the floor, (b) disciplining employees, (c) dealing with customer complaints, (d) holding daily meetings with servers in preparation for each shift, (e) scheduling and/or vacation requests, (f) verifying the money reports at the end of each night, and (g) sending employees home early.

9. I several times witnessed employees disciplined and/or sent home by managers that were in the tip-pool.

10. Whenever I had scheduling issues, such as requests for time off, I often made these requests to the managers on duty, who were in the tip-pool. The managers either granted or denied my requests.

11. On occasions that we were short-staffed, the managers would call employees and require them to come in and work. Similarly, when we were overstaffed, the managers would send employees home.

12. The managers usually conducted the pre-shift meeting before every shift that I worked at.

13. The managers on duty determined when every service employee such as myself went home early or was required to stay late.

14. The managers on duty typically wore suits, as opposed to server uniforms.

15. For every shift, the managers assigned each waiter to her section.

16. When for any given reason a charge was to be 'comped', *i.e.*, voided, the managers had authority and routinely authorized these voids for the servers.

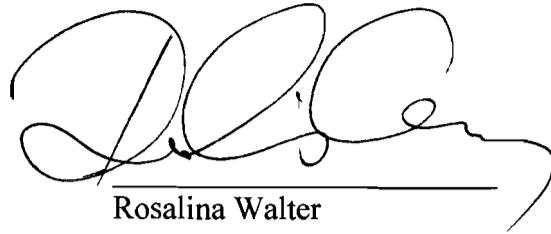
17. When a customer asked to speak to a manager, they were referred to the managers on duty.

18. Most of the above-mentioned managers seldom, if ever, provided direct customer service, such as bringing food to customers, bussing etc. The few that helped more frequently, did so on an as needed basis, and such duties occupied a small percentage of their time.

19. JoJo employed hosts/hostesses who would greet and seat customers. This was not the managers' duty, and they seldom performed it.

I affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: New York, New York  
January 18, 2008



Rosalina Walter